

## Message Text

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ACTION SS-25

INFO OCT-01 ISO-00 SSO-00 /026 W  
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TO SECSTATE WASHDC IMMEDIATE 2202  
INFO AMEMBASSY BONN IMMEDIATE  
AMEMBASSY DAR ES SALAAM IMMEDIATE  
AMEMBASSY GABORONE IMMEDIATE  
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AMEMBASSY MAPUTO IMMEDIATE  
AMEMBASSY OTTAWA IMMEDIATE  
AMEMBASSY PARIS IMMEDIATE  
AMEMBASSY PRETORIA IMMEDIATE

C O N F I D E N T I A L SECTION 01 OF 04 USUN NEW YORK 02615

EXDIS

E.O. 11652: GDS  
TAGS: PORG, SF, WA  
SUBJECT: NAMIBIA: DRAFT SECURITY COUNCIL  
RESOLUTION ON WALVIS BAY

REF: USUN 2088

1. AS AGREED PREVIOUSLY, REPRESENTATIVES OF THE  
CONTACT GROUP MET PRIVATELY ON JUNE 19 AND 21 WITH TANZAN-  
IAN AMBASSADOR SALIM TO DISCUSS INFORMALLY WITH  
HIM THE FIVE'S DRAFT SECURITY COUNCIL RESOLUTION ON  
WALVIS BAY (REFTEL). AMBASSADOR MCHENRY, UK AMBASSADOR  
BROWN, AND CANADIAN POLITICAL COUNSELLOR EDELSTEIN SPOKE  
WITH SALIM ON JUNE 19. THE SECOND MEETING WAS ATTENDED  
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BY AMBASSADOR BROWN, EDELSTEIN, AND GERMAN POLITICAL  
COUNSELLOR VERGAU.

2. FOLLOWING IS THE JOINT CANADIAN-FRG-UK  
REPORT ON THE TWO MEETINGS: (AMBASSADOR MCHENRY HAD  
DEPARTED FOR LUANDA PRIOR TO THE SECOND MEETING AND  
DID NOT PARTICIPATE IN THIS REPORT.)

BEGIN REPORT.

1. SUMMARY: FOLLOWING DISCUSSIONS WITH AMBASSADOR SALIM, HE INDICATED THAT HE "THINKS THE FIVE-REVISED DRAFT RESOLUTION REPRESENTS A VERY SERIOUS ATTEMPT TO MEET WHAT FRONT-LINE STATES AND SWAPO THINK IS ESSENTIAL ON THE WALVIS BAY ISSUE". AT THE SAME TIME, HE ADDED THAT THE FIVE SHOULD NOT BE SURPRISED TO FIND ON THE PART OF FRONT-LINE PRESIDENTS AN INSISTENCE IN FAVOUR OF AN AFFIRMATION THAT WALVIS BAY IS AN INTEGRAL PART OF NAMIBIA. HE EMPHASIZED THAT HIS COMMENTS HAD BEEN PROVIDED ON AN ENTIRELY PERSONAL BASIS AND THAT NOTWITHSTANDING HIS COMMENTS, WE SHOULD NOT BE SURPRISED IF WE FOUND OURSELVES ON OPPOSITE SIDES OF THE NEGOTIATING TABLE WITH HIM INSISTING ON THE AFFIRMATION. HE URGED THE NECESSITY OF THE FIVE MAKING FULL EFFORTS WITH EACH OF THE FRONT-LINE PRESIDENTS TO TRY TO BRING ABOUT ACCEPTANCE OF THEIR PRESENT STAND, WITH SWAPO TO BE CONSULTED VERY SHORTLY THEREAFTER.

2. ON JUNE 19, REPRESENTATIVES OF THE CONTACT GROUP CALLED ON AMBASSADOR SALIM TO DISCUSS THE WALVIS BAY ISSUE AND THE TEXT OF A DRAFT SECURITY COUNCIL RESOLUTION ON THE SUBJECT. MR. MOHAMMED FOUM, TANZANIAN  
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SECRETARY OF STATE FOR FOREIGN AFFAIRS, AND MISS TATU NURU, COUNSELLOR, WERE PRESENT.

3. WE EXPLAINED TO AMBASSADOR SALIM OUR INTEREST IN PUTTING INTO SECURITY COUNCIL RESOLUTION FORM THE FIVE'S POSITION ALONG THE LINES DESCRIBED TO PRESIDENT KAUNDA, AND PRESENTED BY HIM TO THE OTHER FRONT-LINE STATES AND SWAPO. WE EXPLAINED THE FIVE POSITION IN DETAIL AND EMPHASIZED OUR DETERMINATION THAT NEGOTIATIONS BETWEEN SOUTH AFRICA AND A NEW GOVERNMENT OF NAMIBIA SHOULD BE INITIATED WITH OUT DELAY AND SHOULD RESULT IN THE EARLY REINTEGRATION OF WALVIS BAY IN NAMIBIA. THE FIVE WOULD LEND THEIR FULL SUPPORT TO THAT OBJECTIVE. THEIR COMMITMENT WOULD BE MADE IN A STATEMENT TO THE SECURITY COUNCIL OR IN SUPPORT OF A RESOLUTION. IT MIGHT BE POSSIBLE TO ADD AN ELEMENT OF TIME PRESSURE TO THE RESOLUTION, SUGGESTING A REVIEW OF THE RESULTS OF THE NEGOTIATIONS WITHIN A GIVEN TIME PERIOD.

4. WE INVITED SALIM'S COMMENTS ON OUR PUTATIVE SECURITY COUNCIL TEXT. HE NOTED HE HAD JUST SEEN IT AND COMMENTED THAT ALTHOUGH AN INTERESTING TRY, THE RESOLUTION

DID NOT APPEAR TO MEET THE KEY REQUIREMENT: THE GENERAL ASSEMBLY HAD ADOPTED A CLEAR POSITION TO THE EFFECT THAT WALVIS BAY IS AN INTEGRAL PART OF NAMIBIA. THIS POSITION WAS FIRMLY HELD BY THE ENTIRE AFRICAN AND NON-ALIGNED GROUP, BY THE FRONT-LINE PRESIDENTS AND SWAPO. THEREFORE, THE SC RESOLUTION MUST BE CLEAR ON THIS POINT.

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5. THE CONTACT GROUP REPRESENTATIVES EXPLAINED THAT, AS WAS CLEAR FROM THE POSITION PROVIDED TO THE FRONT-LINE PRESIDENTS AND AS EMBODIED IN OUR DRAFT, WE CONSIDERED THERE WERE COMPELLING GEOGRAPHIC, ECONOMIC, SOCIAL, POLITICAL, CULTURAL AND ADMINISTRATIVE CONSIDERATIONS IN FAVOUR OF WALVIS BAY INTEGRATION IN NAMIBIA. ONE MIGHT EVEN SAY THAT ON THE BASIS OF MANY CRITERIA, WALVIS BAY MIGHT BE CONSIDERED AN INTEGRAL PART OF NAMIBIA. HOWEVER, FROM A LEGAL POINT OF VIEW, THE SITUATION WAS NOT THE SAME. ONE COULD CHALLENGE THE BASIS ON WHICH BOUNDARIES HAD BEEN DETERMINED IN PAST CENTURIES, BUT NONETHELESS THEY WERE A FACT OF LIFE. IN THE CASE OF WALVIS BAY, THE LEGAL

ARGUMENTS WERE WITH SOUTH AFRICA.

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6. SALIM, NOT PERSUADED BY THIS ARGUMENTATION, RESPONDED THAT THERE WAS CLEARLY A DIFFERENCE OF POLICY ON THIS QUESTION BETWEEN THE FIVE AND THE OTHER MEMBERS OF THE UNITED NATIONS, AND IT DID NOT SEEM POSSIBLE FOR THE AFRICANS TO DEPART FROM THEIR GENERAL ASSEMBLY AFFIRMATION THAT WALVIS BAY IS AN INTEGRAL PART OF NAMIBIA. WE THEREFORE WENT ON TO STRESS THAT WE DID NOT IN ANY WISH TO CHALLENGE THE ACTION OF THE GENERAL ASSEMBLY. IT HAD TAKEN AN IMPORTANT POLITICAL ACTION, THE OBJECTIVES OF WHICH WE WHOLEHEARTEDLY SUPPORTED; WE WERE AS DETERMINED AS ANY THAT WALVIS BAY MUST BE PART OF AN INDEPENDENT NAMIBIA AND THAT NEGOTIATIONS TO BRING THIS ABOUT SHOULD BE ACCOMPLISHED IN SHORT ORDER. IT HAD TO BE BORNE IN MIND, HOWEVER, THAT WHILE GENERAL ASSEMBLY DECISIONS WERE POLITICAL DECISIONS, THE DECISIONS OF THE SECURITY COUNCIL HAD AN INTERNATIONAL LAW ASPECT. ONE COULD CONSIDER THE PARALLELS WITH OTHER CONTESTED DECOLONIZATION ISSUES, BE IT BELIZE OR WHATEVER. ONE COULD BE FULLY CONVINCED AS TO THE LOGICAL DESIRABILITY OF A PREFERRED END RESULT. NONETHELESS, AS HE WAS WELL AWARE FROM ISSUES BEFORE THE COMMITTEE OF 24, ONE COULD NOT AVOID DEALING WITH THE SOMETIMES STRANGE AFTER EFFECTS OF DECOLONIZATION. WHILE THE GENERAL ASSEMBLY RIGHTLY EXPRESSED ITS POLITICAL OPINION ON SUCH ISSUES AND ADVOCATED A GIVEN SOLUTION, IT DID NOT SEEM POSSIBLE FOR THE SECURITY COUNCIL TO RESOLVE THESE ISSUES THROUGH THE ADOPTION OF RESOLUTIONS.

7. WE WENT ON TO POINT OUT THAT WE DID NOT SUPPORT THE SOUTH AFRICAN LEGAL POSITION, AS SALIM APPEARED TO BELIEVE; WE DID NOT ACCEPT THAT IS WAS FOR SOUTH AFRICA TO RETAIN  
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OR DISPOSE OF WALVIS BAY AS IT SAW FIT. WE CONSIDERED THAT THE SIXTY-YEAR CO-ADMINISTRATION RENDERED WALVIS BAY SUBJECT TO THE DECOLONIZATION PROCESS AS A NON-SELF-GOVERNING TERRITORY. BUT THIS LEGAL APPROACH WAS NEITHER HERE NOR THERE IN TERMS OF OUR DETERMINATION TO SUPPORT THE EARLY NEGOTIATED INCLUSION OF WALVIS BAY IN NAMIBIA.

8. THIS LATTER ARGUMENTATION APPEARED TO PERSUADE SALIM, AS THE FORMER HAD NOT, THAT THE FIVE DIFFICULTIES WITH THE AFRICAN "AFFIRMATION" POSITION WERE VALID. (PARAS 6 AND 7 ABOVE) HE APPEARED TO BE PERSUADED THAT AN ALTERNATIVE APPROACH ALONG THE LINES OF THE FIVE RESOLUTION MUST BE SOUGHT. HE THEN AGREED TO MAKE SUGGESTIONS TO HELP BRING THE FIVE DRAFT RESOLUTION CLOSER IN LINE WITH AFRICAN CONCERNS, BUT EMPHASIZED THAT HE WAS FAR FROM CERTAIN THAT PRESIDENT NYERERE, OTHER FRONT-LINE PRESIDENTS, OR SWAPO WOULD ACCEPT SUCH AN APPROACH. HE SAID IT HAD NOT OCCURRED TO NYERERE OR TO ANY OF THE OTHERS THAT THE "AFFIRMATION" ISSUE WOULD CAUSE PARTICULAR DIFFICULTIES FOR THE FIVE. FOR PRESIDENT NYERERE, IT WAS A STRONGLY-HELD VIEW AND SALIM WAS NOT CERTAIN THAT HE WOULD DEPART FROM IT. SALIM CONSIDERED IT ESSENTIAL THAT THE WESTERN TEXT BE DISCUSSED WITH EACH AND EVERYONE OF THE FRONT-LINE STATES AND SWAPO. AFTER HEARING OUR EXPLANATIONS OF THE DIFFICULTIES OF DISCUSSING TEXTS WITH THE SWAPO LEADERSHIP AS A WHOLE, SALIM AGREED THAT APPROACHES TO FRONT-LINE STATES IN THE FIRST INSTANCE WOULD BE USEFUL.

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9. THE COMMENTS MADE BY SALIM ON THE  
PROPOSED FIVE DRAFT RESOLUTION WERE AS  
FOLLOWS:

(1) HE SUGGESTED THAT "SOCIAL AND CULTURAL" BE USED  
RATHER THAN "ETHNIC";

(2) HE STRONGLY RECOMMENDED THAT A PREAMBULAR PARAGRAPH  
NOTE THAT ALL POLITICAL ELEMENTS IN NAMIBIA CONSIDER  
THAT WALVIS BAY IS AN INTEGRAL PART OF  
NAMIBIA AND THAT THE ADMINISTRATION OF THE AREA MUST BE  
RESUMED BY THE GOVERNMENT OF NAMIBIA;

(3) HE FELT IT IMPORTANT THAT THE RESOLUTION TAKE NOTE  
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OF THE GENERAL ASSEMBLY RESOLUTION ON THE SUBJECT AND  
EMPLOY THE PRECISE TERMINOLOGY TO THE EFFECT THAT  
"WALVIS BAY IS AN INTEGRAL PART OF NAMIBIA";

(4) HE SUGGESTED RE-AFFIRMATION OF RESOLUTION 385 AND  
ITS SUPPORT FOR THE TERRITORIAL INTEGRITY OF NAMIBIA,  
WITH THE FURTHER THOUGHT THAT THE DETACHMENT OF WALVIS  
BAY RESULTS IN THE DISRUPTION OF THAT TERRITORIAL  
INTEGRITY. WE EXPLAINED THAT THAT WOULD NOT BE POSSIBLE  
AS IT WOULD RAISE THE LEGAL QUESTION. SALIM COMMENTED  
THAT THE PARAGRAPH WOULD THEN LOSE ITS RELEVANCE,  
BUT PERHAPS A RE-AFFIRMATION OF RESOLUTION 385 WOULD  
BE HARMLESS.

(5) IN OPERATIVE PARAGRAPH 1, HE PREFERRED THE EXPRESSION  
"TERRITORIAL INTEGRITY AND UNITY" AND EXPRESSED RESERVA-  
TIONS ABOUT THE INCLUSION OF THE TERM "VIABILITY" AS  
IRRELEVANT TO THE QUESTION AT HAND;

(6) HE FELT THE OPERATIVE PARAGRAPH 2 SHOULD CALL FOR  
NEGOTIATIONS BETWEEN A NEW GOVERNMENT OF NAMIBIA AND THE  
GOVERNMENT OF SOUTH AFRICA WITH A VIEW TO REACHING  
EARLY AGREEMENT FOR REINTEGRATION OF  
WALVIS BAY IN NAMIBIA;

(7) HE STRESSED THAT IT WOULD BE ESSENTIAL TO  
ADD A FURTHER OPERATIVE PARAGRAPH WHICH DECLARED THAT IN  
THE INTERIM PERIOD, WALVIS BAY SHOULD NOT BE USED  
IN ANY MANNER TO HARASS THE NEW GOVERNMENT OF NAMIBIA.

10. IN A SUBSEQUENT MEETING JUNE 21 WITH THE SAME

TANZANIAN PLAYERS, WE REVIEWED THE RESOLUTION AS IT  
HAD DEVELOPED TO THAT POINT, STRESSING THAT THE REVISED  
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TEXT HAD NOT YET BEEN PROVIDED TO THE FIVE CAPITALS.  
AT THIS MEETING; (A) CONSIDERABLE DISCUSSION TOOK PLACE  
ON THE WORDING OF THE PRESENT PREAMBULAR PARAGRAPH 5  
DEALING WITH THE POSITION OF POLITICAL ELEMENTS IN  
NAMIBIA. THE WORDING WHICH THE FIVE HAD PROPOSED NOTED  
THAT ALL POLITICAL ELEMENTS CONSIDERED WALVIS BAY MUST  
BE (RATHER THAN "IS") AN INTEGRAL PART OF NAMIBIA.  
THIS WAS NOT ACCEPTABLE TO SALIM. WE POINTED OUT  
THE "IS" FORMULATION WAS NOT VALID FOR ALL NAMIBIAN  
ELEMENTS. WE ARRIVED AT THE WORDING "NOTING THAT THE  
POSITION OF ALL POLITICAL ELEMENTS IN NAMIBIA IS THAT  
WALVIS BAY MUST BE RESTORED TO NAMIBIA". SUBSEQUENTLY,  
IT WAS SUGGESTED BY UK LEGAL ADVISERS THAT "RE-UNITE  
WITH" WAS A PREFERABLE FORMATION. WE BELIEVE SALIM WOULD  
ACCEPT THE LATTER AND THEREFORE HAVE INSERTED IT INTO  
THE TEXT WITH "RESTORED TO" IN BRACKET. (B) ON OPERATIVE  
PARAGRAPH 1, SALIM COMMENTED THAT WHILE "CANNOT BE  
ASSURED" WAS AN INTERESTING FORMULATION AND MIGHT  
BE MAINTAINED AT PRESENT, THE FIVE MIGHT CONSIDER FOR  
FUTURE BARGAINING PURPOSES "IS INCOMPLETE". HE  
COMMENTED INDEED THAT THE MORE ALTERNATIVES  
THE FIVE CAME UP WITH OF THAT NATURE FOR USE WITH SWAPO  
AND THE FRONT-LINE PRESIDENTS, THE BETTER WOULD BE THE  
POSSIBILITY OF PROMOTING ACQUIESCENCE IN OUR APPROACH.  
(C) AS FOR OPERATIVE PARAGRAPH 4, HE COMMENTED THAT IT  
SEEMED THE FIVE WOULD HAVE NO DIFFICULTY WITH THE  
CONCEPT OF CAUTIONING SOUTH AFRICA AGAINST  
HARASSMENT. HE FELT THAT IN NEGOTIATIONS THERE WOULD  
BE PROPOSALS FOR THE STRENGTHENING OF THE LANGUAGE.

11. THE FIVE FOUND SALIM'S CONCLUDING REMARKS RATHER

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ENCOURAGING, PARTICULARLY IN THAT THEY WERE GIVEN IN  
THE PRESENCE OF FOU. HE COMMENTED "I THINK IT (THE  
REVISED TEXT) IS A VERY SERIOUS ATTEMPT TO MEET WHAT  
FOR SWAPO AND THE FRONT-LINE PRESIDENTS IS ESSENTIAL".  
HE CAUTIONED, HOWEVER, THAT THE FIVE SHOULD NOT BE  
SURPRISED TO FIND AFRICAN INSISTENCE IN FAVOUR OF AN  
AFFIRMATION THAT "WALVIS BAY IS AN INTEGRAL  
PART OF NAMIBIA". HE HAD SPOKEN IN HIS  
PERSONAL CAPACITY AND THE FIVE SHOULD NOT BE  
SURPRISED IF THEY FOUND HIM ON THE OPPOSITE SIDE OF THE  
NEGOTIATING TABLE INSISTING ON AN AFFIRMATION. NONETHELESS  
THE IMPLICATION WAS THERE THAT SALIM HIMSELF HAD COME  
TO SEE THE MERIT OF THE FIVE POSITION. IN CLOSING,  
THE CONTACT GROUP REPRESENTATIVES SAID THEY WOULD REFER  
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THE REVISED TEXT TO THEIR CAPITALS FOLLOWING WHICH IT  
WOULD BE DISCUSSED WITH PRESIDENT NYERERE AND OTHER  
FRONT-LINE PRESIDENTS THEREAFTER. WE COMMENTED THAT AS  
OUR DRAFT RESOLUTION IN NO WAY CHALLENGED THE AFFIRMATION,  
THE FRONT-LINE STATES AND SWAPO MIGHT HOPEFULLY FIND IT  
POSSIBLE TO MAKE THEIR AFFIRMATION IN STATEMENTS IN THE  
SECURITY COUNCIL WHILE ACQUIESCING IN THE RESOLUTION  
ALONG THE LINES DISCUSSED.

12. FOLLOWING IS THE REVISED DRAFT RESOLUTION:

THE SECURITY COUNCIL  
RECALLING ITS RESOLUTION(S) (1976) (AND 1978);

REAFFIRMING IN PARTICULAR THE PROVISIONS OF SECURITY



COUNCIL RESOLUTION 385 (1976) RELATING TO THE TERRITORIAL  
INTEGRITY AND UNITY OF NAMIBIA;

TAKING NOTE OF GENERAL ASSEMBLY RESOLUTION 32/9D WHICH  
INTER ALIA DECLARED THAT WALVIS BAY IS AN INTEGRAL PART  
OF NAMIBIA;

RECOGNIZING THE IMPORTANCE OF GEOGRAPHIC, ECONOMIC,  
POLITICAL, SOCIAL, CULTURAL AND ADMINISTRATIVE  
CONSIDERATIONS IN DETERMINING THE  
FUTURE OF WALVIS BAY;

NOTING THAT THE POSITION OF ALL POLITICAL ELEMENTS IN  
NAMIBIA IS THAT WALVIS BAY MUST BE REUNITED WITH  
BEGIN BRACKETS...RESTORED TO...END BRACKETS NAMIBIA;

1. DECLARES THAT THE TERRITORIAL INTEGRITY AND UNITY  
OF THE INDEPENDENT STATE OF NAMIBIA CANNOT BE ASSURED  
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BEGIN BRACKETS...IS INCOMPLETE...END BRACKETS WITH OUT  
THE INCLUSION OF WALVIS BAY WITHING ITS TERRITORY;

2. CALLS FOR THE OPENING WITHOUT DELAY OF NEGOTIATIONS  
BETWEEN THE GOVERNMENT OF NAMIBIA AND THE SOUTH  
AFRICAN GOVERNMENT WITH A VIEW TO REACHING  
EARLY AGREEMENT ON THE REINTEGRATION OF WALVIS BAY INTO  
NAMIBIA;

3. AFFIRMS THAT THE SECURITY COUNCIL WILL LEND ITS  
FULL SUPPORT TO THE ATTAINMENT OF A SUCCESSFUL OUTCOME  
TO SUCH NEGOTIATIONS;

4. DECLARES THAT, PENDING THE SUCCESSFUL OUTCOME IN  
THESE NEGOTIATIONS, WALVIS BAY MUST NOT BE USED  
IN ANY MANNER PREJUDICIAL TO THE INDEPENDENCE OF NAMIBIA  
OR THE VIABILITY OF ITS ECONOMY;

5. DECIDES TO REMAIN SEIZED OF THE MATTER AND TO  
KEEP UNDER REVIEW PROGRESS TOWARDS THIS END.

END REPORT.

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## Message Attributes

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